



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

42

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,653	08/31/2001	Juergen Reinold	IA00007	1794

22863 7590 05/06/2005

MOTOROLA, INC.
CORPORATE LAW DEPARTMENT - #56-238
3102 NORTH 56TH STREET
PHOENIX, AZ 85018

EXAMINER

BARQADLE, YASIN M

ART UNIT	PAPER NUMBER
----------	--------------

2153

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,653

Applicant(s)

REINOLD ET AL.

Examiner

Yasin M Barqadle

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 and 28-30 is/are allowed.
- 6) ☒ Claim(s) 15-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/13/03, 10/17/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. The amendment filed on December 16, 2004 has been fully considered and are made of record.

2. The arguments filed on December 16, 2004 regarding claims 15-27 have been fully considered but are not deemed to be persuasive.

- Claims 1-30 are presented for examination.

Allowable Subject Matter

3. Claims 1-14 and 28-30 are allowed.

Response to Amendment

In response to applicant's arguments in page 2, first paragraph that "claims 1,15 and 28 call for, among other things, a vehicle having an first active network, communicatively linked to a vehicle having a second active network." Examiner contends that claim 15 do not call for this limitation. Claim 15, unlike claims 1 and 28, recites the active network being adaptable to communicatively link to a second active network of a second active network. A recitation of the intended use of the claimed

Art Unit: 2153

invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Razavi et al USPN. (6370449) in view of Nathanson US Pub. (20020150050

Art Unit: 2153

As per claim 15, Razavi et al teach a vehicle comprising a first device and a second device (fig. 2 shows an automobile that incorporates networked devices in an in-car network col. 2, lines 12-33; col. 3, lines 30-37 and col. 5, lines 48-55] and a first active network interconnecting the first device and the second device (network is capable of using discover and join protocol, abstract), the active network being adaptable to communicatively link to a second active network of a second (node) (a node on a first network communicates to an node on a second network. Therefore, it is adaptable to communicate a second node (vehicle) (col. 6, lines 26-45).

Although Razavi et al shows substantial features of the claimed invention, including where the in-car sub-network communicates to external networks and by utilizing devices that provide a "last-hop" service, where a node on a first network communicates to an node on a second network (col. 6, lines 26-45), he does not explicitly teach where the second node/external network is a vehicle.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Razavi et al, as evidenced by Nathanson USPN. (20020150050). In analogous art, Nathanson whose invention is about a vehicle communication system that is capable of communicating both

Art Unit: 2153

through a data communications system and with themselves, disclose a vehicle-to-vehicle data communication system [figs. 14 and 17; ¶ 98 and ¶152-155]. Giving the teaching of Nathanson, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Razavi et al by employing the system of Nathanson because it enables two or more devices to communicate directly with one another and to exchange critical operational information between vehicles [¶ 152-55 and ¶ 274].

As per claim 16, Razavi et al teach the vehicle of claim 15, wherein the first active network comprises an interface for communicatively linking the first active network and the second active network [col. 4, lines 40-56].

As per claim 17, Razavi et al teach the vehicle of claim 15, wherein the interface comprises a wired coupling [col. 3, lines 42-60].

As per claim 18, Razavi et al teach the vehicle of claim 15, wherein the interface comprises a radio frequency coupling [col. 3, lines 42-60].

Art Unit: 2153

As per claim 19, Razavi et al teach the vehicle of claim 15, wherein the interface comprises an optical coupling [col. 3, lines 42-60].

As per claim 20, Razavi et al teach the vehicle of claim 15, wherein the second vehicle comprises a non-motor vehicle [col. 5, lines 35-44].

As per claim 22, Nathanson as modified teach the vehicle of claim 15, wherein the data is communicated between the first active network and the second active network [plurality of vehicles exchange data ¶ 274].

As per claim 23, Razavi et al teach the vehicle of claim 22, wherein the data comprises navigation data [col. 6, lines 58- to col. 7, line 7].

As per claim 24, Razavi et al teach the vehicle of claim 22, wherein the data comprises entertainment data [col. 8, lines 11-14].

As per claim 25, Razavi et al teach the vehicle of claim 22, wherein the data comprises message data [col. 7, lines 61-63].

Art Unit: 2153

As per claim 26, Razavi et al teach the vehicle of claim 22, wherein the data comprises vehicle function data [col. 7, lines 64-67].

As per claim 27, Nathanson as modified teach the vehicle of claim 15, wherein the first active network is adapted to automatically link to the second active network based upon a proximity of the second vehicle [¶ 305-307].

5. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Razavi et al USPN. (6370449) in view of Nathanson US Pub. (20020150050).

As per claim 21, Although Razavi and Nathanson show substantial features of the claimed invention, they do not explicitly show where a first vehicle tows a second vehicle. Nonetheless, this feature is well known in the art and it would have been obvious to one ordinary skill in the art at the time of the invention was made to have a first vehicle tow a second vehicle so that it could be transported to distant locations for the advantage of reducing the cost of a gas and another driver.

Conclusion

6. **ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Bargadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

Art Unit: 2153

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yasin Barqadle

Art Unit 2153



KRISHNA LIM
PRIMARY EXAMINER